ENOUGH·IS·ENOUGH

Q: Are Internet filters needed on computers in public libraries and schools?

Yes: It's time for libraries to listen to the concerns of their local communities.

By Bruce Watson, President, Enough Is Enough
From Insight on the News magazine, February 5, 2001

How would you feel if your 11-year-old son went down to the public library and checked out Deep Throat, the hard-core pornographic video? Or your 9-year-old daughter stumbled across Hustler magazine during a research project in her classroom at school?

Most parents would experience something between shock and outrage, plus an element of pure surprise. But, of course, these are purely hypothetical examples — schools and libraries don't offer pornographic magazines and videos to kids. In fact, even for adults, it is almost unheard of for public libraries to have materials such as Hustler or Deep Throat in their print or video collections.

So presumably the same standards also would apply on the Internet, right? The answer, unfortunately, is not yet, which is why Congress took a step in this direction in December by passing the Children's Internet Protection Act (CIPA). The CIPA offers a simple deal: if federal funds are used to provide Internet access in schools and libraries, then part of those funds must be used to filter out the pornography. (More precisely, child pornography, obscenity and material defined legally as "harmful to minors" must be filtered for minors age 16 or younger. For adult access, only the first two categories apply, with disabling available by a supervisor for research or other bona fide purposes.) Although CIPA was tucked into an appropriations bill, there is no question it was a response to widespread concern: A national survey last fall by Digital Media Forum found an overwhelming 92 percent support for filtering pornography out of school computers.

The reasons for concern have little to do with coyly posed Playboy centerfolds. Even veteran pornographer Larry Flynt has acknowledged that "There's an awful lot of material on the Internet

that children should not have access to. There's material that even I, in my wildest imagination, would not consider publishing." And much of it is freely available to anyone who stumbles onto a porn Website.

A study last summer for the National Center for Missing and Exploited Children found that one in four online youths ages 10 to 17 had an unwanted encounter with pornography in the previous 12 months. Children today are encountering these hard-core sites through misleading site names (such as whitehouse.com, a porn site), through invisible "metatags" misusing popular brand names such as Nintendo or Muppets, through unsolicited e-mail or simply by typing the word "porn" into an unfiltered Internet browser. Curiosity in children and teen-agers is natural and healthy, but the distorted lens of hard-core porn offers a poor sexual role model.

So why is CIPA vehemently opposed by groups such as the American Civil Liberties Union (ACLU) and their friends at the American Library Association (ALA)? Their public posture is that CIPA might be well-intended, but technical difficulties make all such legislation unworkable. Closer inspection reveals that the real debate is philosophical.

Opponents of filtering say the software has too many anomalies, such as "overblocking" Websites for chicken-breast recipes or the county of Middlesex. Such examples often are based on first-generation word-association software rather than state-of-the-art products. They reflect the astonishingly persistent disinformation campaign waged by filtering opponents. Other examples, rather than confirming a sinister political agenda, have an almost hilariously random quality, such as the famous (and brief) blocking by one product of the Quaker church Website.

The real question is not whether filters are perfect — if you use Windows, you know that perfection is an impossible standard in the world of computers and, thus, irrelevant. The real question is whether they work within a tolerable level of error. Experience in schools and libraries indicates that the good brands meet this test comfortably. The performance of the better products is one reason why the number of libraries using filters has doubled in the last two years. Approximately 25 percent of libraries now use at least some filtering, according to the National Commission on Library Science.

Besides, how can today's filtering software be described as a one-size-fits-all solution when the industrial-strength products for schools and libraries typically have between 20 and 60 categories of customization available? Do the math — that's a dizzying range of permutations.

The ACLU/ALA strategy is fairly straightforward: By relentlessly publicizing the "anomaly of the week," they distract attention from the inherent absurdity of their own demand — that only a perfect filter is acceptable in the imperfect world of computers. They would have us believe that a single overblocked site is a more significant anomaly than an entire generation of schoolchildren given free and easy access to the crudest of hard-core pornography. It's easy to see why 92 percent of the public disagrees with them.

The ALA's solution is to promote "acceptable-use policies" in each local library. The only problem is they don't work. More than 90 percent of public libraries already have such policies, yet former librarian David Burt's study, Dangerous Access (2000 Edition), found thousands of

incidents of library patrons accessing pornography online. The more disturbing incidents included public masturbation, adults enticing children to view porn sites and trading in child pornography. Burt filed requests under the Freedom of Information Act for incident reports concerning Internet pornography but received only a 29 percent response rate after the ALA got involved. So much for open access to information.

The ACLU and ALA argue that CIPA is too vague because just about anything might be considered "harmful to minors" by someone. However, this legally defined term already is used in the print world, and there is scant evidence of "rogue" prosecutions. The courts have made clear that this term cannot be extended to mere nudity or sexual information, regardless of how controversial the political or sexual viewpoints may be. The harsh reality is that commercial porn sites now display a host of free materials that are harmful to minors or even obscene under almost any standard. The Pink Kitty Porn Palace Website isn't showing AIDS-prevention information or video tours of the Louvre.

A more serious concern, especially for conservatives, is whether it is necessary for the government to step in and require filtering. Part of the answer is that, if schools and libraries provide unfiltered access only, then public funds are being used to distribute pornography. When government funds are creating the problem, government funds should provide the solution. Requiring the feds to clean up their own mess is hardly a "big-government" proposition.

The other reason for a legislated approach is that the group that could help most — the ALA — is instead leading the opposition. Says Judith Krug, director of the ALA's Office of Intellectual Freedom: "Blocking material leads to censorship. That goes for pornography and bestiality, too. If you don't like it, don't look at it." This applies even for children. Their fetchingly titled manual, The Censor Is Coming — Intellectual Freedom for Children, notes that, by formal policy, "the ALA opposes all attempts to restrict access to library services, materials and facilities based on the age of library users." The fierce opposition of ALA's Head Office is the principal reason why 75 percent of libraries use no filtering today.

When communities fret that this ivory-tower approach makes local libraries unsafe for children, Krug responds: "If you don't want your children to access that information, you had better be with your children when they use a computer." Former ALA president Ann Symons explains: "We do not help children when we simply wall them off from information and ideas that are controversial and disturbing." The fallacy, of course, is to equate pornography with information and ideas. Hard-core pornography is simply not an intellectual matter; rather, like the Bill Clinton/Monica Lewinsky affair, the guiding impulse for porn comes from another part of the anatomy.

Another ALA mantra is that government can't censor and, because libraries are government-funded, therefore libraries can't censor. This catchy sound bite is meaningless. Government funds also are used for office buildings, theaters and public parks — each with quite different First Amendment protection. The mantra also ignores the critical difference between the government as sovereign (the king can't restrict his subjects' private speech) and the government as patron (the king does not have to support every artistic or literary endeavor).

The selective way the ALA applies its own dogma is even more intriguing. Last summer a Toledo, Ohio, couple contributed a critical biography of Planned Parenthood founder Margaret Sanger to their local library because none of the library's 20-odd books on the subject mentioned her controversial views on race or eugenics. The library declined the gift because "the author's political and social agenda … is not appropriate." Contacted by WorldNetDaily for comment, the ALA's Krug — oblivious to the irony — blandly explained that librarians can determine "what materials are useful for their community." This is the same official whose response to community concerns about Internet porn is, "If you don't like it, don't look at it."

Under the ALA's definition of intellectual freedom, it apparently is just fine for government employees (librarians) to exclude materials from a public library because of "the author's political and social agenda," but it would be censorship for private citizens to question the wisdom of providing hard-core pornography. Perchance the ALA has a "political and social agenda" of its own?

Inevitably, CIPA will spend the next few years tied up in legal challenges by the ACLU (and possibly the ALA). The ACLU still trumpets its low-grade win in a Virginia District Court against the Loudon County library. The judge compared filtering to ripping pages out of an encyclopedia, forgetting that any encyclopedia is but a single published work, while the Internet is an entire medium, like TV. (Libraries that provide PBS programming feel no obligation to add the Spice Channel.) For various reasons, the independent TechLaw Journal concluded, "The library would probably win before the 4th Circuit Court of Appeals, if it were to appeal."

The library's decision not to appeal was colored by the magnitude of the plaintiff's legal fees if it lost. Even at the district-court level, the fees presented by the ACLU and coplaintiffs People for the American Way were a speech-chilling $488,601, compared to the $55,000 paid to the library's attorneys. Fortunately, such intimidation will have less weight against the CIPA, where the defendant will be the Bush Department of Justice.

In conclusion, it is important to remember that parents still have the primary responsibility for guiding their children on the Internet, just as they do on issues like smoking or drinking. The problem is that parents today carry all the responsibility, even though they usually are less computer-literate than their children. Parents need the support of the law, just as they do with smoking and drinking. Children's safety online involves parents and other gatekeepers, the Internet industry and the legal community. It would be irresponsible for any of these groups to claim a free ride by having someone else shoulder the entire burden.

Watson is the president of Enough Is Enough, a nonpartisan, nonprofit group based in Santa Ana, Calif., focused on making the Internet safer for children and families.

Enough Is Enough can be reached at 714-435-9056.